

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
	)	Case No. 3:91CR00024-1
	)	
<b>v.</b>	)	<b>OPINION</b>
	)	
<b>BENJAMIN BRYAN BUCKHANAN,</b>	)	By: James P. Jones
Defendant.	)	United States District Judge
	)	

*Benjamin Bryan Buckhanan, Pro Se Defendant.*

On March 16, 1992, the court had sentenced defendant Benjamin Bryan Buckhanan to 300 months' imprisonment consecutive to a state court sentence, and on April 29, 2005, the court dismissed Buckhanan's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. *Buckhanan v. United States*, No. 7:05CV00250, 2005 WL 1005096, at \*1 (W.D. Va. Apr. 29, 2005), *appeal dismissed*, 155 F. App'x 669 (4th Cir. 2005) (unpublished). More than ten years later, Buckhanan has filed a document collaterally attacking his conviction and sentence based on case law, which I construe as a second Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 (ECF No. 16).

Because Buckhanan has not shown that the United States Court of Appeals for the Fourth Circuit has authorized him to file a successive § 2255 motion, the § 2255

motion must be dismissed without prejudice as successive pursuant to 28 U.S.C. § 2255(h).

DATED: June 30, 2016

/s/ James P. Jones  
United States District Judge